

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
EFRAIN REYES CABRERA

Plaintiff,

-against-

DREAM TEAM TAVERN CORP., DOING BUSINESS AS
TOMMY'S PLACE, and THOMAS SCHAFER,

Defendants.
-----X

SPATT, DISTRICT JUDGE

VERDICT SHEET

12-CV-6323

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 02 2016 ★

LONG ISLAND OFFICE

According to the principles as charged by the Court and the facts as you find them, please
answer the following questions:

I. LIABILITY

1. Has the Plaintiff established by a preponderance of the evidence that the Defendants Dream
Team Tavern Corp., doing business as "Tommy's Place," and Thomas Schafer violated the Fair
Labor Standards Act and the New York Labor Law by failing to pay the Plaintiff overtime
wages?

YES _____

NO X

Continue to question 2.

2. Has the Plaintiff established by a preponderance of the evidence that the Defendants Dream
Team Tavern Corp., doing business as "Tommy's Place," and Thomas Schafer violated the
New York Labor Law by failing to pay him spread-of-hours wages?

YES X

NO _____

Continue to question 3.

3. Has the Plaintiff established by a preponderance of the evidence that the Defendants Dream

Team Tavern Corp., doing business as "Tommy's Place," and Thomas Schafer violated the

New York Labor Law by failing to provide him with a pay stub during any time after April 9,

2011 when he received wages?

YES _____

NO

If you answered "No" to all questions 1, 2, and 3, you have found for the Defendants. In that event, do not answer any other question and the foreman should sign and date the verdict sheet and notify the Court by note that you have reached a verdict and are ready to return to the Courtroom to announce your verdict.

If you answered "Yes" to any of questions 1, 2, and 3, you have reached a verdict in favor of the Plaintiff on that particular claim. In that event, please answer the appropriate damage question that follows.

II. DAMAGES

Willfulness

If you answered "Yes" to either question 1 or question 2, please answer the following question:

4. Has the Plaintiff proven by a preponderance of the evidence that either or both Defendants knew or showed reckless disregard for the Fair Labor Standards Act and the New York Labor Law overtime and spread-of-hours requirements?

YES +

NO

Good Faith

If you answered "No" to question 4, please answer the following question:

5. Have the Defendants proven by a preponderance of the evidence that either or both Defendants acted in good faith and had objectively reasonable grounds for failing to follow the overtime and spread-of-hour requirements of the Fair Labor Standards Act and the New York Labor Law?

YES

NO

The FLSA and NYLL Overtime Claims

If you answered "Yes" to question 1, please answer the following question:

6. How much do you award the Plaintiff in unpaid overtime wages for the following periods of time?

- December 21, 2006 to November 24, 2009 \$
- November 24, 2009 to December 21, 2012 \$

The NYLL Spread-of-Hours Claim

If you answered "Yes" to question 2, please answer the following question:

7. How much do you award the Plaintiff in unpaid spread-of-hour wages for the following periods of time?

- January 1, 2011 to December 21, 2012

\$ 746.75

The NYLL Claim for Failure to Provide Pay Stubs

If you answered "Yes" to Question 3, please answer the following question:

8. How much do you award the Plaintiff for failing to receive adequate pay stubs beginning on April 9, 2011?

\$ _____

Foreperson please sign and date the verdict sheet and advise the Court by note that you have reached a verdict, and you are ready to return to the Courtroom to announce your verdict.

Dated: Central Islip, New York
May 2, 2016

FOREPERSON